

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

DANIEL JOHNSON, #274157 §

VS. § CIVIL ACTION NO. 9:04cv233

GARY WAKEFIELD, ET AL. §

O R D E R

Came on for consideration, the plaintiff's latest motion to vacate the judgment. He disagrees with the Court's assessment of his claims as to how the State of Texas is treating his conviction in light of the Penal Code under which he was convicted. The opinion of the Court explained how he does not have a protected liberty interest in order to obtain relief. If he disagrees with the opinion of the Court, then he may file a notice of appeal as opposed to another motion to vacate the judgment. It is accordingly

**ORDERED** that the motion to vacate the judgment (docket entry #109) is **DENIED**. All motions not previously ruled on are **DENIED**. It is further

**ORDERED** that the Clerk shall return unfiled any new documents tendered by the plaintiff, except for a notice of appeal and motions related to an appeal to the Fifth Circuit.

SIGNED this 18 day of August, 2005.



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HARRY W. MCKEE  
UNITED STATES MAGISTRATE JUDGE